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In re Application of: Loy, et al.
Application No. 09/887,549
Attorney Docket No. LOY=4
Filed: June 25, 2001
For: **IMPLEMENTING DATA MANAGEMENT
APPLICATION PROGRAMMING INTERFACE
ACCESS RIGHTS IN A PARALLEL FILE
SYSTEM**

) **TECHNOLOGY CENTER 2100**
) **SUA SPONTE**
) **WITHDRAWAL OF HOLDING OF**
) **ABANDONMENT**
)
)

The request for withdrawal of the notice of abandonment, issued in error, filed November 7, 2005 is being treated as a petition under 37 CFR 1.181 for withdrawal of the holding of abandonment.

A review of the application reveals that a notice of abandonment was mailed to the applicant on October 31, 2005. The notice incorrectly indicated that the instant application was being held abandoned for failure to respond to the Office communication (Advisory Action) mailed on November 30, 2004. The notice of abandonment also indicates that the Examiner phoned to confirm that the application was abandoned (i.e. that no amendment had been filed in response to the Office action) however, the indication does not list an attorney *currently of record* and does not include an interview summary. Note, an amendment was filed on February 17, 2005, *within the three months shortened statutory period set forth in the November 18, 2004 non-final Office action*. Accordingly, the amendment/response was timely filed.

In view of these facts, the abandonment of the application was clearly in error and is hereby **VACATED**.

The application is being forwarded to the Supervisory Legal Instruments Examiner with instructions to **WITHDRAW** the holding of abandonment, restore the instant application to pending status and to **ENTER** the response filed February 17, 2005. The application will then be forwarded to the Examiner of record for prompt action on the merits.

Inquiries to this decision may be directed to Special Programs Examiner Brian Johnson at (571) 272-3595.

Brian L. Johnson
Special Program Examiner
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Computer Architecture, Software, and Information Security